



CLOSED CASE SUMMARY

ISSUED DATE: APRIL 25, 2023

FROM: DIRECTOR GINO BETTS 
OFFICE OF POLICE ACCOUNTABILITY

CASE NUMBER: 2022OPA-0366

Allegations of Misconduct & Director's Findings

Named Employee #1

Allegation(s):		Director's Findings
# 1	5.001 - Standards and Duties POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy	Not Sustained - Inconclusive

This Closed Case Summary (CCS) represents the opinion of the OPA Director regarding the misconduct alleged and therefore sections are written in the first person.

EXECUTIVE SUMMARY:

Named Employee #1 (NE#1) responded to a shoplifting call where the Complainant was the suspect. When NE#1 attempted to speak with the Complainant, the Complainant alleged NE#1 raped her the night before.

SUMMARY OF INVESTIGATION:

During her arrest, the Complainant accused NE#1—an arresting officer—of raping her the night before. The arresting officers screened the rape allegations with Witness Supervisor #1 (WS#1)—their sergeant. WS#1 forwarded the allegation to OPA. OPA opened an investigation.

OPA referred the allegation to SPD for criminal investigation. SPD informed OPA its detective could not reach the Complainant, so the criminal investigation was categorized as inactive “pending further information status.” During its administrative investigation, OPA reviewed the complaint, related body-worn video (BWV), and SPD’s Criminal Investigation Report (CIR) covering the rape allegation. OPA also interviewed NE#1. OPA and SPD’s detective made several unsuccessful attempts to contact the Complainant. Therefore, the Complainant was not interviewed.

NE#1 and Witness Officer #1 (WO#1) responded to a Target store for a shoplifting call. The Complainant was the suspect. BWV showed NE#1, and WO#1 contacted the Complainant. The Complainant said, “No, no. You just raped me last night. You just raped me last night. Let me go.” BWV also captured the Complainant making other allegations against the officers, including, “You are in Japanese clothing,” and accused them of being “Japanese bombers.” The Complainant also said she was a federal agent, the officers were obstructing a federal investigation, and were not real police officers.

WS#1 responded to the scene. WS#1 documented that the Complainant was a “frequent crisis subject known to have a long-outstanding open DCR ITA warrant for detention.” WS#1 documented that the officers screened the rape allegation but could not obtain a “lucid statement” from the Complainant about the rape allegations due to her agitated state. WS#1 reviewed BWV and noted the rape allegation was directed at NE#1. WS#1 noted NE#1 did not



have BWV for the prior night since NE#1's worked from 11:00 AM to 8:00 PM. WS#1 wrote he referred the allegation to OPA since there was no BWV to disprove it.

OPA interviewed NE#1. NE#1 said his prior contacts with the Complainant involved mental health calls concerning her. NE#1 noted during those prior contacts, the Complainant yelled at him through a closed door, and he never saw the Complainant in-person before they arrested her at Target. NE#1 did not recall what he did the night before the Complainant's shoplifting arrest, but he said he likely went home or to the gym after work. NE#1 could not identify anyone to corroborate that information. NE#1 denied sexual contact with the Complainant.

ANALYSIS AND CONCLUSIONS:

Named Employee #1 - Allegation #1

5.001 - Standards and Duties POL-2. Employees Must Adhere to Laws, City Policy, and Department Policy

The Complainant alleged NE#1 raped her.

Employees must adhere to laws, City policy, and Department policy. SPD Policy 5.001-POL-2.

Here, there is no evidence to support the Complainant's allegation. Conversely, BWV and police reports suggest the Complainant exhibited crisis-like symptoms. However, OPA acknowledges the Complainant's behavior and possible mental state do not correlate with untruthfulness. Therefore, although the allegation is unsupported, OPA cannot dismiss it as implausible.

Accordingly, OPA recommends this allegation be Not Sustained – Inconclusive.

Recommended Finding: **Not Sustained - Inconclusive**